GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2532
ANSWERED ON:08.12.2006
APPOINTMENT OF JUDGES
Moghe Shri Krishna Murari

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Law Commission has made any recommendation regarding appointment of judges in accordance with the population;

(b) if so, the details thereof; and

(c) the action taken by the Government thereon?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW & JUSTICE (SHRI K.VENKATAPATHY)

(a) : Yes, Sir.

(b) : The Law Commission in its 120th Report has recommended that the present strength of 10.5 judges per one million population be increased to 50 judges per million population.

(c) : The last Triennial Review of the Judge strength of the various High Court was held in 2003. As a result, it was decided to increase the Judge strength of various High Courts from the existing strength of 655 to 749 Judges. With regard to subordinate judiciary, the Supreme Court, in its judgment of 21st March, 2002, in All India Judges Association & Ors Vs. Union of India & Ors, has directed that an increase in the Judge strength from the existing 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner to be determined and directed by the Union Ministry of Law. The Central Government have filed an affidavit in the Supreme Court praying that the increase in judge strength in the Union Territories for which Central Government is administratively responsible be allowed based on workload and pendency of cases. The matter is sub-judice.

All State Governments are also party to this case. Under article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court and the State Government. Accordingly, the Central Government has requested all the State Governments for taking necessary action.